



**AMENDMENT OF RESTRICTIVE COVENANT
FOR ZONING CASE NO. C14-85-055**

OWNER: Dittmar Properties, LP, a Texas limited partnership

ADDRESS: 784 Oakdale Drive, Austin, Texas 78745

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

CITY: The City of Austin, a home-rule city, municipal corporation and political subdivision of the State of Texas, in Travis County, Texas.

CITY COUNCIL: The City Council of the City of Austin.

WHEREAS, Dittmar Properties, LP, a Texas limited partnership, is the sole and current owner (the "Owner") of property consisting of 42.029 acres of land, more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant (the "Released Property") on the date of this Amendment; and,

WHEREAS, the Released Property is a portion of all that certain property described in Zoning File No. C14-85-055, consisting of approximately 110 acres of land (the "Property"), as more particularly described in the restrictive covenant recorded in the Real Property Records of Travis County, Texas, in Volume 9556, Page 823, (the "Restrictive Covenant"); and,

WHEREAS, the Restrictive Covenant imposed certain restrictions and covenants on the Property; and

WHEREAS, the Restrictive Covenant provided that the covenant could be modified, amended, or terminated by joint action of both a majority of the members of the City Council and the Owner of the applicable portion of the Property at the time of such modification, amendment or termination; and,

WHEREAS, the Owner desires to amend the Restrictive Covenant as to the Released Property; and

WHEREAS, the City Council and the Owner agree the Restrictive Covenant should be amended as to the Released Property.

NOW, THEREFORE, for and in consideration of the premises and mutual promises, covenants, and agreements hereinafter set forth, the City of Austin and the Owner, agree as follows:

1. The Restrictive Covenant is amended to release the Released Property from the terms and provisions under the Restrictive Covenant which is no longer applicable to or binding on the Released Property.
2. Except as expressly provided for in this Amendment, each and every one of the terms, conditions, and provisions of the Restrictive Covenant, as set forth in the Restrictive Covenant, shall continue in full force and effect on and after the effective date of this Amendment.

4-27-06
#44

3. The City Manager, or her designee, shall execute, on behalf of the City, this Amendment of Restrictive Covenant for Zoning File No. C14-85-055, as authorized by the City Council of the City of Austin. This Amendment of Restrictive Covenant For Zoning File No. C14-85-055 shall be filed in the Official Property Records of Travis County, Texas.

EXECUTED this the 19th day of April, 2006.

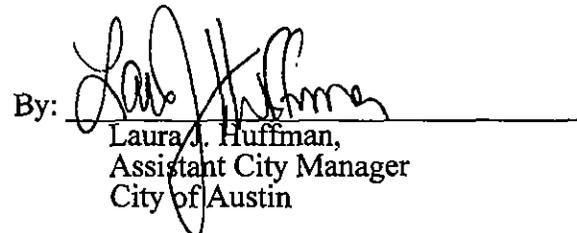
OWNER:

Dittmar Properties, LP,
a Texas limited partnership

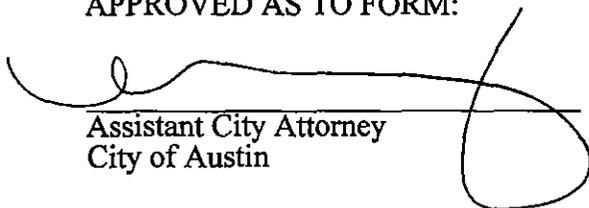
By: Dittmar Properties GP, Inc.,
a Texas corporation,
General Partner

By: 
John R. Kleas, President

CITY OF AUSTIN

By: 
Laura J. Huffman,
Assistant City Manager
City of Austin

APPROVED AS TO FORM:


Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 19th day of April, 2006, by John R. Kleas, President of Dittmar Properties GP, Inc., a Texas corporation, on behalf of the corporation, and the corporation acknowledged this instrument as general partner on behalf of Dittmar Properties, LP, a Texas limited partnership.



[Signature]
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 4th day of May, 2006, by Laura J. Huffman, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of the municipal corporation.



[Signature]
Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-1088
Attention: Diana Minter, Paralegal



**Professional Land Surveying, Inc.
Surveying and Mapping**

C14-05-055

Office: 512-443-1724
Fax: 512-441-6987

2807 Manchaca Road
Building One
Austin, Texas 78704

**42.029 ACRE TRACT
WILLIAM CANNON LEAGUE**

A DESCRIPTION OF 42.029 ACRES (1,830,771 S.F.) OF LAND OUT OF THE WILLIAM CANNON LEAGUE, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF A 110.09 ACRE TRACT CONVEYED TO HEALTHCARE REHABILITATION OF AUSTIN, INC., IN THE SPECIAL WARRANTY DEED EXECUTED JULY 24, 1997 OF RECORD IN VOLUME 12988, PAGE 661 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 42.029 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar with cap set in the south line of the remainder of the 110.09 acre tract, being also in the west line of a 67.532 acre tract recorded in Document No. 2001186037, of the Official Public Records of Travis County, Texas, in the north line of West Dittmar Road (right-of-way width varies) and the north line of a 0.063 acre tract recorded in Document No. 2003043681 of the Official Public Records of Travis County, Texas, from which a 1/2" rebar with cap set bears South 01°58'30" East, a distance of 19.58 feet;

THENCE with the south line of the remainder of the 110.09 acre tract, the north line of West Dittmar Road and the north line of the 0.063 acre tract, the following five (5) courses:

1. South 86°28'28" West, a distance of 68.64 feet to a 1/2" rebar with cap set;
2. South 87°15'45" West, a distance of 147.84 feet to a 1/2" rebar found;
3. South 87°57'55" West, a distance of 600.72 feet to a 1/2" rebar found for the beginning of a curve to the left;
4. 28.36 feet along the arc of said curve to the left, having a radius of 1745.00, and through a central angle of 00°55'52", the chord of which bears South 87°27'37" West, a distance of 28.36 feet to a 1/2" rebar found;
5. South 87°01'41" West, a distance of 164.10 feet to a 1/2" rebar with cap set for the southwest corner of the remainder of the 110.09 acre tract, being also in the east line of a 14.85 acre tract recorded in Volume 3387, Page 2048 of the Deed Records of Travis County, Texas, the north line of West Dittmar Road, and the northwest corner of the 0.063 acre tract, from which a 1/2" rebar found bears South 00°24'58" East, a distance of 4.37 feet;

THENCE with the common line of the 110.09 acre tract and the 14.85 acre tract, the

following two (2) courses:

1. North $00^{\circ}09'16''$ West, a distance of 872.05 feet to a 1/2" rebar with cap found for an interior corner of the 110.09 acre tract, being also the northeast corner of the 14.85 acre tract;
2. South $87^{\circ}19'00''$ West; a distance of 455.24 feet to a 1/2" rebar with cap found for a southwest corner of the 110.09 acre tract, being also the northwest corner of the 14.85 acre tract and in the southeast line of the Union Pacific Railroad (formerly the International-Great Northern Railroad)(100' right-of-way width);

THENCE North $29^{\circ}28'41''$ East, along the northwest line of the 110.09 acre tract and the southeast right-of-way line of the Union Pacific Railroad, a distance of 2518.46 feet to a 1/2" iron pipe found for the northwest corner of the 110.09 acre tract, being also in the southeast right-of-way line of the Union Pacific Railroad and being the west corner of a 0.759 acre tract recorded in Volume 11191, Page 130, of the Real Property Records of Travis County, Texas;

THENCE leaving the southeast right-of-way line of the Union Pacific Railroad, South $60^{\circ}30'00''$ East, along the common line of the 110.09 acre tract and the 0.759 acre tract, a distance of 147.94 feet to a 1" iron pipe found for a northeast corner of the 110.09 acre tract, being also in the south line of the 0.759 acre tract and in the northwest right-of-way line of Damon Road (50' right-of-way width)(cul-de-sac) for the beginning of a non-tangent curve to the left;

THENCE 141.60 feet along the arc of said curve to the left, having a radius of 45.07 feet, and through a central angle of $180^{\circ}00'00''$, the chord of which bears South $26^{\circ}53'17''$ East, a distance of 90.14 feet to a 1/2" rebar found for a northeast corner of the 110.09 acre tract, being also in the south right-of-way line of Damon Road (cul-de-sac) and the north corner of Lot 5, Damon Subdivision, a subdivision of record in Volume 6, page 31, Plat Records of Travis County, Texas;

THENCE leaving the south right-of-way line of Damon Road, along the common line of the 110.09 acre tract and the Damon Subdivision, for the following six (6) courses:

1. South $29^{\circ}32'10''$ West, a distance of 325.01 feet to a 1/2" iron pipe found for an interior corner of the 110.09 acre tract;
2. North $87^{\circ}52'02''$ East, a distance 113.24 feet to a 1" iron pipe found for an interior corner of the 110.09 acre tract;

3. North $87^{\circ}39'28''$ East, a distance of 169.69 feet to a 1/2" rebar found for an exterior corner of the 110.09 acre tract being also an interior corner of the Damon Subdivision;
4. South $77^{\circ}18'08''$ East, a distance of 205.42 feet to a 1/2" rebar with cap set for the beginning of a non-tangent curve to the right;
5. 83.28 feet along the arc of said non-tangent curve to the right, having a radius of 90.12 feet, and through a central angle of $52^{\circ}56'42''$, the chord of which bears North $02^{\circ}49'00''$ East, a distance of 80.35 feet to a 1/2" rebar found;
6. North $29^{\circ}49'29''$ East, a distance of 44.54 feet to a 1/2" rebar with cap set for a north corner of the 110.09 acre tract, being also in the southwest line of the Damon Subdivision, the intersecting point of the southwest line of Damon Road with the west line of Sherwood Road (50' right-of-way width) and the northwest corner of a "Street Deed" recorded in Volume 3234, Page 1934, of the Deed Records of Travis County, Texas, for the beginning of a non-tangent curve to the left;

THENCE with the common line of the 110.09 acre tract, Sherwood Road and the said "Street Deed", the following three (3) courses:

1. 159.13 feet along the arc of said non-tangent curve to the left, having a radius of 75.36 feet, and through a central angle of $120^{\circ}59'03''$, the chord of which bears South $31^{\circ}14'40''$ East, a distance of 131.17 feet to a 1/2" rebar found;
2. North $88^{\circ}04'39''$ East, a distance of 75.42 feet to a 60d nail found;
3. North $87^{\circ}21'59''$ East, a distance of 333.29 feet to a 5/8" iron pipe found for the northeast corner of the 110.09 acre tract, being also in the south line of Sherwood Road, the southeast corner of the said "Street Deed" and the northwest corner of Brownleaf Estates, a subdivision of record in Volume 31, Page 48, Plat Records of Travis County, Texas;

THENCE leaving the south line of Sherwood Road, South $03^{\circ}06'11''$ East, along the common line of the 110.09 acre tract and Brownleaf Estates, a distance of 250.00 feet to a 1/2" rebar with cap set in the east line of the 110.09 acre tract, being also in the west line of Brownleaf Estates and the northeast corner of a 67.532 acre tract recorded in Document No. 2001186037, of the Official Public Records of Travis County, Texas;

THENCE leaving the west line of Brownleaf Estates, over and across the 110.09 acre tract, with the north and west lines of the 67.532 acre tract, for the following 4 (four) courses:

1. South 87°21'59" West, a distance of 1058.75 feet to a 1/2" rebar with cap set for the northwest corner of the 67.532 acre tract;
2. South 29°28'31" West, a distance of 633.18 feet to a 1/2" rebar with cap set;
3. South 14°21'26" West, a distance of 673.06 feet to a 1/2" rebar with cap set;
4. South 08°45'22" East, a distance of 327.26 feet to a calculated point in the approximate centerline of a creek;

THENCE with the approximate centerline of said creek the following five (5) courses and distances:

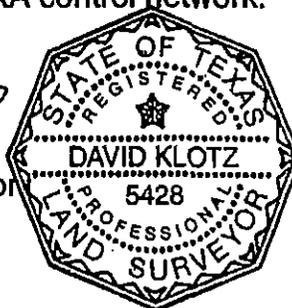
1. South 82°28'58" East, a distance of 143.88 feet to a calculated point;
2. South 71°55'49" East, a distance of 178.70 feet to a calculated point;
3. South 34°04'25" East, a distance of 65.09 feet to a calculated point;
4. South 64°29'26" East, a distance of 330.28 feet to a calculated point;
5. South 89°20'05" East, a distance of 41.49 feet to a calculated point;

THENCE departing the approximate centerline of said creek, South 01°58'30" East, a distance of 459.74 feet to the **POINT OF BEGINNING**, containing an area of 42.029 acres of land, more or less.

Surveyed on the ground in August 2003. Bearing basis is grid azimuth for Texas central zone, 1983/93 HARN values from LCRA control network.

DKA 05/05/05
David Klotz

Registered Professional Land Surveyor
State of Texas No. 5428



FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2006 May 09 12:47 PM 2006085695

SIFUENTEZY \$40.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS